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5/20/03**ADLER & ASSOCIATES****P.O. BOX 710509
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E. MAIL: BADLER1@houston.rr.com****INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)****May 19, 2003****FACSIMILE COVER SHEET****PLEASE DELIVER TO: Ex. Anne Marie Webbe****COMPANY: Art Unit 1632, USPTO****FACSIMILE NUMBER: 303-8724
703/746-7024****NUMBER OF PAGES (COUNTING COVER SHEET): 16****FROM: Benjamin Aaron Adler, Ph.D., J.D./Colleen Werner**

MESSAGE: As discussed, I attach the RCE including Response after Final filed with the PTO on February 24, 2003 for 09/393,173 (Our Ref.: D6163). The sequence of events are that the RAF was signed/dated on 2/3/03 and faxed under a Certificate of Facsimile Transmission on 2/11/03. The RCE with the RAF was filed 2/24/03 and indicated the submission was enclosed when it should have stated previously submitted. A copy of the date-stamped return postcard for the RCE/RAF is also attached. Should you have any questions or comments, or require additional information, please call me or Dr. Adler at 713/270-5391. Thank you. Colleen Werner.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader is not the intended recipient or an employee or agent responsible for delivery, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please immediately notify Benjamin Adler at 713/270-5391 and promptly return the facsimile. Thank you.

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INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

Application Number: 09/393,173
Filing Date.: September 9, 1999
First Named Inventor: Curiel
Group Art unit: 1632
Examiner Name: Wehbe, A.
Attorney Docket No.: D6163

THE ASSISTANT COMMISSIONER FOR PATENTS
BOX RCE
WASHINGTON, D.C. 20231

*Placed
into
5/19/03
AD*

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114:
 - a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. ☐ Other
 - b. ☒ Enclosed.
 - i. ☒ Amendment/Reply
 - ii. ☒ Affidavit(s)/Declarations
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☐ Other

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Curiel *et al.*

FILED: September 9, 1999

SERIAL NO.: 09/393,173

FOR: Adenoviral Vector Encoding Pro-
Apoptotic Bax Gene and Uses Thereof

§ ART UNIT: 1632

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EXAMINER:
Wehbe, A.M.S.

DOCKET: D6163

The Assistant Commissioner of Patents and Trademarks
BOX RCE
Washington, DC 20231CERTIFICATE OF MAILING UNDER 37 CFR 1.8

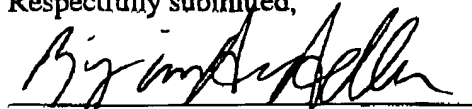
I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to The Assistant Commissioner of Patents, Box RCE, Washington DC 20231:

- 1) Response to Final Office Action;
- 2) Declaration under 37 C.F.R. 1.132; and
- 3) Request for Continued Examination Transmittal.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Date: Feb 24, 2003ADLER & ASSOCIATES
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Houston, Texas 77071
(713) 270-5391
badler1@houston.rr.com

Respectfully submitted,

Benjamin Aaron Adler, Ph.D., J.D.
Counsel for Applicant
Registration No. 35,423

2. Miscellaneous:

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of
- b. Other:

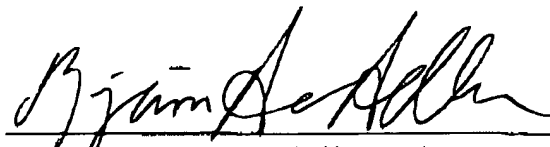
3. Fees:

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-1185
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. Extension of time fee
- iii. Other
- b. Check in the amount of \$ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed).

DATE:

Feb 24, 2003

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Benjamin Aaron Adler, Ph.D., J.D.
Counsel for Applicant
Registration No. 35,423

OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: Cuniet et al. Attorney: Benjamin Aaron Adler
 Serial No: 09/393,173 Docket No: D6163 Date: 2/24/03

☐ Provisional Patent Application w/cover sheet
☐ Sequence Listing w/ Compliance Letter + CRF
☐ Application for Patent including ☐ PCT
 - pages spec. total claims
☐ Request for filing ☐ Continuation ☐ Divisional
☒ Request for Continued Examination
☐ Drawings, sheets ☐ Informal ☒ Formal
☐ Check for \$
☐ Certificate of Mailing 1.10
 Express No.: EL
☒ Certificate of Mailing 1.8
☐ Transmittal letter
 ☐ Affidavit or ☒ Declaration ☐ Oath
☐ Combined Declaration and Power of Attorney
☐ Assignment, w/check for \$ not included
☒ Postcard

☐ Petition for Extension of Time ☐ month(s)
 with check for
☐ Response to Notice to File Missing Parts
☐ Response to Office Action ☒ RAF
☐ Response to Restriction Requirement
☐ Priority Document
☐ Issue Fee Transmittal
☐ Amendment after allowance
☐ Information Disclosure Statement
☐ PTO form 1449
☐ Notice of Appeal
☐ Appeal Brief in triplicate
☐ Transmittal letter for Appeal Brief
☐ PCT Request
☐ PCT Demand
☐ Power of Attorney by applicant
☐ Other: _____

PE
MAR 03 2003
TRADEMARK OFFICE

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 09393173

Total Records Found: 8

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
09/20/1999	00000176	<u>1</u>	<u>201</u>	\$380.00	09/09/1999	CK
04/20/2000	00000020	<u>1</u>	<u>215</u>	\$55.00	04/18/2000	CK
01/10/2001	00000123	<u>1</u>	<u>217</u>	\$445.00	01/08/2001	CK
01/10/2001	00000122	<u>1</u>	<u>231</u>	\$355.00	01/08/2001	CK
10/09/2001	00000081	<u>1</u>	<u>217</u>	\$460.00	10/04/2001	DA 071185
02/14/2003	00000002	<u>1</u>	<u>2253</u>	\$465.00	02/11/2003	DA 071185
02/20/2003	00000165	<u>1</u>	<u>2253</u>	\$465.00	02/19/2003	DA 071185
03/04/2003	00000134	<u>1</u>	<u>2801</u>	\$375.00	03/03/2003	DA 071185